

Department of Natural Resources

MICHAEL R. STYLER Executive Director

Division of Oil, Gas & Mining

JOHN R. BAZA Division Director GARY R. HERBERT Governor

GREG BELL Lieutenant Governor

August 16, 2010

Kenneth S. Fleck Energy West Mining Company P.O. Box 310 Huntington, Utah 84528

Subject: Five-Year Permit Renewal, Des-Bee-Dove Mine, PacifiCorp, C/015/0017,

Task #3532, Outgoing File

Dear Mr. Fleck:

The permit renewal for the Des-Bee-Dove Mine is approved. Enclosed are two (2) copies of the renewed permanent program permit for the Des-Bee-Dove Mine.

Please have both permits signed by the designated signatory authority and return one signed copy to the Division.

If you have any questions, please call me.

Sincerely,

John R. Baza

<sup>L</sup>Director

JRB/sqs Enclosures

cc: James Fulton, OSM, WRCC

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# UTAH DIVISION OF OIL, GAS AND MINING STATE DECISION DOCUMENT For PERMIT RENEWAL

Des-Bee-Dove Mine PacifiCorp C/015/0017 Emery County, Utah

August 16, 2010

# **CONTENTS**

- \* Administrative Overview
- \* Permitting Chronology
- \* Findings
- \* Permit
- \* Publication Notice
- \* AVS Recommendation, memo dated August 3, 2010

# **ADMINISTRATIVE OVERVIEW**

Des-Bee-Dove Mine
PacifiCorp
Five-Year Permit Renewal
C/015/0017
Carbon County, Utah

August 16, 2010

# **BACKGROUND**

The Des-Bee-Dove Mine Complex is one of four mines permitted by PacifiCorp located on East Mountain about seven miles north of Orangeville, Utah. The four mines permitted by PacifiCorp are: the Des-Bee-Dove Mine, Cottonwood/Wilberg, Deer Creek and Trail Mountain Mine.

The Des-Bee-Dove Mine Complex closed in December 1983, due to a fire in the Beehive Mine and for economic reasons. The mine complex was reopened on January 14, 1985 to provide coal to the Hunter Power Plant to partially replace production lost due to the closure of the Wilberg Mine as a result of a fire, which started in the mine on December 19, 1984. The Des-Bee-Dove Mines ceased coal production during the first week of February 1987; official notice of temporary cessation received February 6, 1987. No mining activity has occurred since that date.

A memo to the Coal Regulatory staff dated October 11, 1988 from Lowell P. Braxton, Associate Director, Mining entitled "Guidelines for Duration of Temporary Cessation of Operations", outlined that temporary cessation may extend to 15 years. The mine notified the Division of intent to reclaim the mine on February 28, 1997. Demolition activities began in September 1999. This phase of the reclamation was completed in June 2000. All surface facilities, concrete footers and asphalt pads have been excavated and portals backfilled. Remote portals were reclaimed in Summer 2000. Backfilling and grading and seeding of most of the site occurred during 2002. Reclamation of the Des-Bee-Dove Mine was complete on June 17, 2003.

One of the issues associated with the Des-Bee-Dove Mine was the Junction Haul Road. The Des-Bee-Dove/Wilberg Junction Haul Road was constructed in 1983, in response to public concern for safety because the previous route went through the residential street of Orangeville, Utah. Utah Power and Light Company represented the road as a public road and failed to obtain a permit from the regulatory authority to construct the Junction Haul Road. UDOGM issued a notice of violation to Utah Power and Light Company on July 18, 1984, that required the Junction Haul Road be included in the PAP for a permanent program permit. On July 31, 1984,

UDOGM issued a cessation order preventing the Utah Power and Light Company from using the road. The cessation order was terminated on October 1, 1984. The Utah Board of Oil, Gas and Mining reopened the Haul Road under an emergency order pursuant to the approved Utah Coal Program, to allow Utah Power and Light Company to resume production and delivery of coal to the Hunter Power Plant without routing trucks through the town of Orangeville. The entire permit area, including the Junction, Road, was permitted by OSM in April 1985. The State issued the permanent program permit on September 20, 1985.

Phase III bond release was approved for the Des-Bee-Dove haul road on September 9, 1998. The bond release represented 93.18 acres removed from the Des-Bee-Dove Mine permit area due to the achievement of the alternative postmining land use of that road (i.e. from wildlife and grazing to wildlife, grazing, recreation, and industrial.)

# **PERMIT RENEWAL**

PacifiCorp made application to the Division of Oil Gas and Mining for a five-year permit renewal for the Des-Bee-Dove Mine on April 19, 2010. This renewal encompasses the disturbed area that has been reclaimed.

The renewal application was determined administratively complete on May 24, 2010. Public notice for this permit renewal was published in the <u>Emery County Progress</u> on June 22 and 29, 2010 and July 6 and 13, 2010.

# **ANALYSIS**

Requisite information for the permit renewal application was made and all notices were published as required. No comments were received during the public comment period.

The bond amount of \$511,000.00 is adequate to complete any additional reclamation that may be required at this site.

# **RECOMMENDATION**

Approval for this permit renewal is recommended.

# PERMITTING CHRONOLOGY

Des-Bee-Dove Mine PacifiCorp Permit Renewal C/015/0017 Carbon County, Utah

August 16, 2010

April 19, 2010	PacifiCorp submitted a permit renewal application for the Des-Bee-Dove Mine.
May 24, 2010	Determination of Administrative Completeness for this permit renewal application.
May 24, 2010	Permit renewal completeness determination sent to applicable state, federal, and county agencies.
June 22 and 29, 2010 July 6 and 13, 2010	Public notice for permit renewal for the Des-Bee-Dove Mine published in the <u>Emery County Progress</u> .
August 3, 2010	AVS recommendation.
August 16, 2010	No comments received.
August 16, 2010	Permit Renewal is issued to PacifiCorp for the Des-Bee-Dove Mine effective August 29, 2010.

## PERMIT RENEWAL FINDINGS

Des-Bee-Dove Mine PacifiCorp C/015/0017 Emery County, Utah

August 16, 2010

- 1. The permit renewal term will not exceed the original permit term of five years (R645-303-234).
- 2. The terms and conditions of the existing permit are being met. (R645-303-233.110). (See existing TA)
- 3. The present coal mining and reclamation operations are in compliance with the environmental protection standards of the Act and the Utah State Program (R645-303-233.120).
- 4. The requested renewal will not substantially jeopardize the operator's continuing ability to comply with the Act and the Utah State Program (R645-303-233.130).
- 5. The operator has provided evidence of having liability insurance (Associated Electric and Gas Insurance Service Limited X0720A1A09) (R645-303-233.140).
- 6. The operator has posted a reclamation surety in the required amount and has provided evidence that the surety will remain in full effect. (Surety in the amount of \$511,000 is posted by Travelers Casualty and Surety Company of America Bond Number 10377512) (R645-303-233.150).
- 7. The operator has submitted all applicable, revised or updated information as required by the Division at this time. (R645-303-233.160).

Haddock

Permit Supervisor

Associate Director of Mining

Director

# PERMIT C/015/0017

# STATE OF UTAH DEPARTMENT OF NATURAL RESOURCES DIVISION OF OIL, GAS AND MINING 1594 West North Temple Salt Lake City, Utah 84114-1203 (801) 538-5340

This permit, C/015/0017, is for the state of Utah by the Utah Division of Oil, Gas and Mining (Division) to:

PacifiCorp
One Utah Center
Suite 2100
201 South Main Street
Salt Lake City, Utah 84111

for the Des-Bee-Dove Mine. A Surety Bond is filed with the Division in the amount of \$511,000 payable to the State of Utah, Division of Oil, Gas and Mining and the Office of Surface Mining Reclamation and Enforcement (OSM). The Division must receive a copy of this permit signed and dated by the permittee.

- Sec. 1 STATUTES AND REGULATIONS This permit is issued pursuant to the Utah Coal Mining and Reclamation Act of 1979, Utah Code Annotated (UCA) 40-10-1 et seq, hereafter referred to as the Act.
- **Sec. 2 PERMIT AREA** The permittee is authorized to conduct reclamation activities including monitoring and maintenance on the described property, subject to all applicable conditions, laws and regulations. The permit area, about 134.31 acres, is shown on the Des-Bee-Dove Mine Permit Area Boundary Map. The approximate description is:

T17S, R7E, S.L.B. &M

Sec 25: NW1/4 SW1/4, N1/2 SW1/4 SW1/4;

Sec 26: E1/2SW1/4NE1/4, W1/2SE1/4NE1/4, NE1/4SE1/4;

### Sediment Pond:

Beginning at a point 259.41 feet West and 123.74 feet North of the East 1/4 corner of Section 35, T17S. R7E., SLM and intersecting the Des-Bee-Dove Emery County Road No. 412: thence S 61 43' E, 127.70 feet thence S 51 13' E, 459.78 feet thence S 60 43' E, 163.50 feet thence S 3 43' E, 213.14 feet; thence N 64 47' E, 278.44 feet; thence N 22 17' E, 249.11 feet: thence N 44 13' W, 217.52 feet: thence N 2 47' E, 431.98 feet; thence N 10 13' W, 194.24 feet; thence N 6 13' E, 231.03 feet; thence N 51 13' E, 154.75 feet; thence N 7 13' E, 230.85 feet; thence N 39 13' W, 188.61 feet; thence N 13 48' 40" W, 1030.83 feet; thence N 40 36' 49" W, 46.42 feet; thence S 88 27' 37" W, 100.39 feet; thence N 61 03' 40" W, 163.27 feet, thence W, 79.30 feet, thence S 0 08' W, 517.82 feet

thence S 13 48' 40" E, 454.63 feet; thence S 60 37' 19" E, 640.87 feet; thence S 7 13' W, 189.18 feet; thence S 51 13' W, 155.25 feet; thence S 6 13' W, 258.97 feet; thence S 10 13' E, 195.76 feet; thenceS 2 47' W, 448.02 feet; thence S 44 13' E, 206.48 feet; thence S 22 17' W, 196.89 feet; thence S 64 47' W, 185.56 feet; thence N 3 43' W, 166.86 feet; thence N 60 43' W, 186.50 feet; thence N 51 13' W, 460.22 feet; thence N 61 43' W, 132.30 feet; thence S 28 16' 51" W, 50.00 feet; to point of beginning. (13.88 acres more or less.)

### Remote Portals:

BLM Right of Way UTU-53809, relinquished 8/22/04; No Right of Entry Beehive Portal Breakout (BLM Right-of-Way Expired 5/25/01; No Right of Entry)

A 20 ft. X 20 ft. area beginning at the SW corner of Section 13, T17S. R7E., SLM, to a point 292 feet, bearing N59<sup>N</sup>34'26"E. 0.01 acres, more or less.

# Deseret Portal Breakout:

A 20 ft. X 20 ft. area beginning at the SE corner of Section 14, T17S, R7E., SLM, to a point 1,798 feet, bearing N49<sup>N</sup>20'41"W. 0.01 acres, more or less.

Sec. 3 COMPLIANCE - The permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the State Program.

Sec. 4 PERMIT TERM - The permit expires on August 30, 2015.

- **Sec. 5 ASSIGNMENT OF PERMIT RIGHTS** The permit rights may not be transferred, assigned or sold without the approval of the Director, Division. Transfer, assignment or sale of permit rights must be done in accordance with applicable regulations, including but not limited to 30 CFR 740.13{e} and R645-303-300.
- **Sec. 6 RIGHT OF ENTRY** The permittee shall allow the authorized representative of the Division, including but not limited to inspectors, and representatives of the Office of Surface Mining Reclamation and Enforcement (OSM), without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:
  - (a) Have the rights of entry provided for in 30 CFR 840.12, R645-400-220, 30 CFR 842.13 and R645-400-110;
  - (b) Be accompanied by private persons for the purpose of conducting an inspection in accordance with R645-400-100 and R645-400-200 when the inspection is in response to an alleged violation reported to the Division by the private person.
- **Sec. 7 SCOPE OF OPERATIONS** The permittee shall conduct reclamation activities only on those lands specifically designated as within the permit area on the maps submitted in the mining and reclamation plan and permit application and approved for the term of the permit and which are subject to the performance bond.
- **Sec. 8 ENVIRONMENTAL IMPACTS** The permittee shall take all possible steps to minimize any adverse impact to the environment or public health and safety resulting from noncompliance with any term or condition of the permit, including, but not limited to:
  - (a) Any accelerated or additional monitoring necessary to determine the nature and extent of noncompliance and the results of the noncompliance;
  - (b) Immediate implementation of measures necessary to comply; and
  - (c) Warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.
- **Sec. 9 DISPOSAL OF POLLUTANTS** The permittee shall dispose of solids, sludge, filter backwash or pollutants in the course of treatment or control of waters or emissions to the air in the manner required by the approved Utah State Program and the Federal Lands Program which prevents violation of any applicable state or federal law.
- Sec. 10 CONDUCT OF OPERATIONS The permittee shall conduct its operations:
  - (a) In accordance with the terms of the permit to prevent significant, imminent environmental harm to the health and safety of the public; and

- (b) Utilizing methods specified as conditions of the permit by the Division in approving alternative methods of compliance with the performance standards of the Act, the approved Utah State Program and the Federal Lands Program.
- **Sec. 11 EXISTING STRUCTURES** As applicable, the permittee will comply with R645-301 and R645-302 for compliance, modification, or abandonment of existing structures.
- **Sec. 12 AUTHORIZED AGENT** The permittee shall provide the names, addresses and telephone numbers of persons responsible for operations under the permit to whom notices and orders are to be delivered.
- **Sec. 13 COMPLIANCE WITH OTHER LAWS** The permittee shall comply with the provisions of the Water Pollution Control Act (33 USC 1151 et seq.) and the Clean Air Act (42 USC 7401 et seq.), UCA 26-11-1 et seq., and UCA 26-13-1 et seq.
- **Sec. 14 PERMIT RENEWAL** Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with the Act, the approved Utah State Program and the Federal Lands Program.
- Sec. 15 CULTURAL RESOURCES If during the course of the coal mining and reclamation operations, previously unidentified cultural resources are discovered, the permittee shall ensure that the site(s) is not disturbed and shall notify the Division. The Division, after coordination with OSM, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by Division within the time frame specified by Division.
- **Sec. 16 APPEALS** The permittee shall have the right to appeal as provided for under R645-300-200.
- **Sec. 17 SPECIAL CONDITIONS** There are special conditions associated with this permitting action as described in Attachment A.

The above conditions (Secs. 1-17) are also imposed upon the permittee's agents and employees. The failure or refusal of any of these persons to comply with these conditions shall be deemed a failure of the permittee to comply with the terms of this permit and the lease. The permittee shall require his agents, contractors and subcontractors involved in activities concerning this permit to include these conditions in the contracts between and among them. These conditions may be revised or amended, in writing, by the mutual consent of the Division and the permittee at any time to adjust to changed conditions or to correct an oversight. The Division may amend these conditions at any time without the consent of the permittee in order to make them consistent with any federal or state statutes and any new regulations.

THE STATE OF UTAH	
Joh K. Dyn	
John R. Baza	
Division of Oil, Gas and Mining	
Date: 8/16/2010	

I certify that I have read, understand and accept the requirements of this permit and any special conditions attached.

Authorized Representative of the Permittee	
Date:	

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# ATTACHMENT A SPECIAL CONDITION

- 1. PacifiCorp will submit water quality data for the Des-Bee-Dove Mine in an electronic format through the Electronic Data Input web site, <a href="http://hlunix.hl.state.ut.us/cgi-bin/appx-ogm.cgi">http://hlunix.hl.state.ut.us/cgi-bin/appx-ogm.cgi</a>.
- 2. PacifiCorp may not dispose of asphalt within the Manti La Sal National Forest Boundary.

C/615/017 Incoming

# **AFFIDAVIT OF PUBLICATION**

STATE OF UTAH)

SS.

County of Emery,)

I, Richard Shaw, on oath, say that I am the Publisher of the Emery County Progress, a weekly newspaper of general circulation, published at Castle Dale, State and County aforesaid, and that a certain notice, a true copy of which is hereto attached, was published in the full issue of such newspaper for 4 (Four) consecutive issues. and the first publication was on the 22nd day of June, 2010, and that the last publication of such notice was in the issue of such newspaper dated the 13th day of July, 2010.

Richard Shaw - Publisher

Subscribed and sworn to before me this 13th day of July, 2010.

Linda Thayn

Notary Public My commission expires January 10, 2011 Residing at Price, Utah

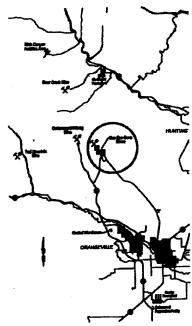
Publication fee, \$429.12



# PACIFICORP DES-BEE-DOVE MINE C/015/0017 PERMIT RENEWAL APPLICATION

Energy West Mining Company P.O. Box 310 Huntington, Utah 84528

PacifiCorp, by and through its wholly-owned subsidiary, Energy West Mining Company ("Energy West") as mine operator, hereby submits an application for a permit renewal. Final reclamation has been completed in all areas of the mine disturbed area. The permit area encompasses approximately 133.9 acres and is located on the area map below.



A surety bond is filed with the Division of Oil, Gas and Mining in the amount of \$1,169,718.00, and is payable to the State of Utah, Division of Oil, Gas and Mining (DOGM), and the Office of Surface Mining Rectamation and Enforcement (OSM).

A copy of the permit renewal application may be examined at the office of the Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, Salt Lake City, Utah 84114-5801 and also at the Recorders Office located in the Emery County Courthouse in Castle Dale, Utah. Written comments, objections, or requests for an informal conference may be submitted to the Salt Lake City address. Said comments must be submitted thirty (30) days from the date of the last publication of this notice. This notice is being published to comply with the Surface Mining Control and Reclamation Act of 1977, and State and Federal regulations promulgated pursuant to said Act.

Published in the Emery County Progress on June 22, 29, and July 6, 13, 2010.



# **State of Utah**DEPARTMENT OF NATURAL RESOURCES Division of Oil, Gas & Mining

MICHAEL R. STYLER Executive Director JOHN R. BAZA Division Director

August 3, 2010

TO:

Internal File

FROM:

Daron R. Haddock, Permit Supervisor

RE:

Compliance Review for Section 510 (c) Findings – Des Bee Dove Mine,

PacifiCorp, C/015/0017, Task ID #3532

As of the writing of this memo, there are no NOVS or COs which are not corrected or in the process of being corrected. There are no finalized Civil Penalties, which are outstanding and overdue in the name of PacifiCorp. PacifiCorp does not have a demonstrated pattern of willful violations, nor have they been subject to any bond forfeitures for any operation in the state of Utah.

The recommendation from the Applicant Violator System (AVS) denotes that all connected entities either do not have any civil penalties or are under a settlement agreement (attached).

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# U.S. Department of the Interior Office of Surface Mining Applicant/Violator System

suzanne.steab (UT) | Logo

ACT015017

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# Home ▶ ENTITY ▶ APPLICATION ▶ PERMIT ▶ VIOLATION ▶ REPORTS ▶

## **HOME > ENTITY EVALUATE**

# Evaluation on Permit Number: ACT015017 0 Violations

**Print Report** 

### **Permit Evaluation**

Permit Number

Permitee Name 108521 Pacificorp

Date of Evaluation 8/3/2010 4:13:48 PM

Requested Individual suzanne.steab

CAUTION: The Applicant/Violator System (AVS) is an informational database. Permit eligibility determinations are made by the regulatory authority with jurisdiction over the permit application not by the AVS. Results which display outstanding violations may not include critical information about settlements or other conditions that affect permit eligibility. Consult the AVS Office at 800-643-9748 for verification of information prior to making decisions on these results.

There were no violations retrieved by the system

# **Evaluation OFT**

# Entities: 45

158506 Berkshire Hathaway Inc - ()

---104006 Walter Scott Jr - (Director)

---154396 Thomas S Murphy - (Director)

---158507 Warren E Buffett - (Chairman of the Board)

---158507 Warren E Buffett - (Chief Executive Officer)

---158508 Charles T Munger - (Chairman of the Board)

---158509 Marc D Hamburg - (Corporate Officer)

---158509 Marc D Hamburg - (Vice President)

---158511 Howard G Buffett - (Director)

---158513 William H Gates Iii - (Director)

---158514 David S Gottesman - (Director)

---158515 Charlotte Guyman - (Director)

---158516 Donald R Keough - (Director)

---158517 Ronald L Olson - (Director)

---158518 Midamerican Energy Holdings Co - (Subsidiary Company)

-----104006 Walter Scott Jr - (Director)

129287 Paul J Leighton - (Vice President)
158507 Warren E Buffett - (Director)
158509 Marc D Hamburg - (Director)
158519 Gregory E Abel - (Chief Operations Officer)
158519 Gregory E Abel - (Director)
158519 Gregory E Abel - (President)
158520 David L Sokol - (Chairman of the Board)
158521 Douglas L Anderson - (General Counsel)
158521 Douglas L Anderson - (Secretary)
158521 Douglas L Anderson - (Senior Vice President)
158522 Patrick J Goodman - (Chief Financial Officer)
158522 Patrick J Goodman - (Senior Vice President)
158523 John Diesing Jr - (Vice President)
158524 William J Fehrman - (Senior Vice President)
158525 Brent E Gale - (Senior Vice President)
158528 Maureen E Sammon - (Corporate Officer)
158528 Maureen E Sammon - (Senior Vice President)
158529 Steven R Evans - (Vice President)
158530 Brian K Hankel - (Treasurer)
158530 Brian K Hankel - (Vice President)
158531 Wayne F Irmiter - (Controller)
158531 Wayne F Irmiter - (Vice President)
158532 Jonathan W Weisgall - (Vice President)
158533 Russell H White - (Vice President)
158534 Cathy S Woollums - (Vice President)
158541 Ppw Holdings Llc - (Subsidiary Company)
108521 Pacificorp - (Subsidiary Company)
118430 Energy West Mining Co - (Subsidiary Company)
124840 Bruce N Williams - (Treasurer)
151620 Tanya S Sacks - (Assistant Treasurer)
152797 Jeffery B Erb - (Assistant Secretary)
158538 A Robert Lasich - (Director)
158538 A Robert Lasich - (President)
247622 Dean S Brockbank - (General Counsel)
247622 Dean S Brockbank - (Secretary)
247622 Dean S Brockbank - (Vice President)
124840 Bruce N Williams - (Treasurer)
124840 Bruce N Williams - (Vice President)
147401 A Richard Walje - (Director)
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147401 A Richard Walje - (President)
152797 Jeffery B Erb - (Assistant Secretary)
158519 Gregory E Abel - (Chairman of the Board)
158519 Gregory E Abel - (Chief Executive Officer)
158519 Gregory E Abel - (Director)
158521 Douglas L Anderson - (Director)
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158522 Patrick J Goodman - (Director)
158525 Brent E Gale - (Director)
158527 Mark C Moench - (Director)
158527 Mark C Moench - (Secretary)

158538 A Robert Lasich - (Director)
158538 A Robert Lasich - (President)
247556 Patrick J Reiten - (Director)
247556 Patrick J Reiten - (President)
247558 Natalie L Hocken - (Director)
247558 Natalie L Hocken - (General Counsel)
247558 Natalie L Hocken - (Vice President)
247622 Dean S Brockbank - (General Counsel)
247622 Dean S Brockbank - (Vice President)
248434 Douglas K Stuver - (Chief Financial Officer)
248434 Douglas K Stuver - (Senior Vice President)
158519 Gregory E Abel - (President)
158529 Steven R Evans - (Vice President)
158530 Brian K Hankel - (Treasurer)
158530 Brian K Hankel - (Vice President)
158531 Wayne F Irmiter - (Controller)
158531 Wayne F Irmiter - (Vice President)
158535 Mitchell F Ludwin - (Secretary)
158535 Mitchell F Ludwin - (Vice President)
158537 James C Galt - (Assistant Treasurer)
248433 Mitchell L Pirnie - (Corporate Officer)
248433 Mitchell L Pirnie - (Vice President)
248432 Susan Decker - (Director)

# Narrative

Request Narrative